

COMBINED DECLARATION AND POWER OF ATTORNEY

**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT,
SUPPLEMENTAL, DIVISIONAL, CONTINUATION, OR C-I-P)**

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is for a national stage of PCT application.

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

NON-INVASIVE DETECTION OF HELICOBACTER PYLORI INFECTION

SPECIFICATION IDENTIFICATION

The specification was described and claimed in PCT International Application No. PCT/US99/26471 filed on November 10, 1999.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56.

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)

(35 U.S.C. Section 119(e))

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER
60/108,089

FILING DATE
12 November 1998

**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

PCT/US99/26471

10 November 1999

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONER(S)

John P. Breen

REGISTRATION NUMBER(S)

38,833

Robert J. Decker

44,056

Robert S. MacWright

32,425

SEND CORRESPONDENCE TO

John P. Breen

DIRECT TELEPHONE CALLS TO:

University of Virginia Patent Foundation
1224 West Main Street, Suite 1-110
Charlottesville, VA 22903

John P. Breen
804-243-6103

US

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Steven Powell

Inventor's signature

Country of Citizenship US

Residence

Post Office Address Charlottesville, VA US 2175 Anderson Lane, Charlottesville, VA 22911 US

Date

5/11/01

✓A

William Gramley

Inventor's signature

Country of Citizenship US

Residence

Post Office Address Wilmington, NC US 3207 Snowberry Court, Wilmington, NC 28409 US

Date

NC

May-21-01 10:19A
MAY-11-2001 PCT 10:01 AM HONESTER MEDICAL SPEC.

PHX NU. 910103411
May-11-01 8:45

P.02
P. U3/U4

Sent By: UVA Patent Foundation

804 924 2493

Page 2/3

Practitioner's Docket No. 00362-03

PATENT

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10 November 1999

PCT/US99/26471

(Declaration and Power of Attorney-Page 1 of 2)

May-11-01 10:19A
RMT-11-2001 PCT 10.01 MM MHP/ER MEDICAL SPEC.

804 824 2493 ;

Sent By: UVA Patent Foundation;

PAK NU. 9107031

May-11-01 8:44,

P.O1
R. U4/U4

Page 3/3

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804-243-6103

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SIGNATURE(S)

Steven Powell
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Country of Citizenship US
Residence Charlottesville, VA US
Post Office Address 2175 Anderson Lane, Charlottesville, VA 22911 US

 Date 5/11/01

William Gramley
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Country of Citizenship US
Residence Wilmington, NC US
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 Date 5/11/01

(Declaration and Power of Attorney-Page 2 of 2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney	}	<u>Certificate Under 37 CFR 1.10</u>
Docket:		<u>Date of Deposit: May 11, 2001</u>
Applicant:		I hereby certify that this correspondence is
Invention:		being deposited with the United States
Serial No:		Postal Service as "Express Mail" service
Filed:		under 37 CFR 1.10 on the date indicated
	above addressed to Assistant Commissioner	
	for Patents, Washington, DC 20231.	


 Sue Ann Carr
 Express Mail No. ET390189075US

STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(c-f) and 1.27(b-d))

Assistant Commissioner for Patents
 Washington, D.C. 20231

With respect to the invention described in the specification filed in PCT/US99/26471 on November 10, 1999.

I. IDENTIFICATION AND RIGHTS AS A SMALL ENTITY.

I hereby state that I am an official empowered to act on behalf of the University of Virginia Patent Foundation, a nonprofit organization, and that the University of Virginia Patent Foundation is Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)) and that the nonprofit organization identified above qualifies as a nonprofit organization, as defined in 37 CFR 1.9(e), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code.

II. OWNERSHIP OF INVENTION

I hereby state that rights under contract or law remain with and/or have been conveyed to the University of Virginia Patent Foundation.

III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).



May 11, 2001

John P. Breen, In-House Counsel
 In-House Patent Counsel
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